

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE SULLIVAN

RAFAEL ROSA,

'09 CIV DOCKET NO: 8563

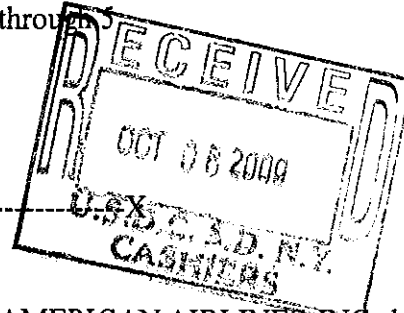
Plaintiff,

-against-

NOTICE OF REMOVAL

AMERICAN AIRLINES, INC., and John Does 1 through 5

Defendants.



PLEASE TAKE NOTICE that defendant, AMERICAN AIRLINES, INC., by and through its attorneys, RUTHERFORD & CHRISTIE, LLP, hereby removes this action to the United States District Court for the Southern District of New York, pursuant to 28 U.S.C. § 1441 and § 1332.

1. This action was commenced against AMERICAN AIRLINES, INC., in the Supreme Court of the State of New York, County of New York, by the filing of a Summons and Complaint with the Clerk of the Court on or about June 19, 2009.
2. Upon information and belief and pursuant to the averments in the Summons and Verified Complaint, plaintiff is a permanent resident of the County of New York, and therefore, is domiciled in and a citizen of, the State of New York.
3. At the time of service of the Summons and Verified Complaint, AMERICAN AIRLINES, INC., was and is incorporated under the laws of the State of Delaware, with its principal place of business in Texas and therefore is a citizen of the State of Delaware and of the State of Texas.

4. Therefore, the action is between citizens of different states as defined by 28 U.S.C. § 1332(a)(1).

5. The Complaint seeks damages for personal injury due to the alleged negligence of AMERICAN AIRLINES, INC., in excess of the jurisdictional limitations of all lower Courts in the State of New York which would otherwise have jurisdiction and upon information and belief, the matter in dispute exceeds the sum of seventy-five thousand dollars exclusive of interest and costs.

6. This cause of action is one over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, in that the amount in controversy upon information and belief, exceeds \$75,000 exclusive of interest and costs, and that it is between citizens of different states. By virtue of 28 U.S.C. § 1441(a), this cause of action is removable to this Court.

7. Defendant, AMERICAN AIRLINES, INC., was purportedly served with a copy of the initial pleading setting forth the claim upon which this action is based on or about October 6, 2009.

8. In accordance with 28 U.S.C. § 1446(b), this Notice of Removal is filed within 30 days after receipt by the defendant of a copy of the initial pleading.

9. Based upon the facts set forth above, this Notice of Removal is timely under 28 U.S.C. § 1446(b).

10. Pursuant to 28 U.S.C. 1446(a), copies of the Summons and Verified Complaint, which constitute all process, pleadings or orders served or filed by the parties in the Supreme Court of the State of New York, are attached hereto as Exhibit "A" and made a part of this Notice by reference.

11. AMERICAN AIRLINES, INC., will pay all costs and disbursements by reason of this removal proceeding should it be determined that this case is not removable or is improperly removed.

12. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, and without waiver of any substantial or procedural defenses, AMERICAN AIRLINES, INC., requests that this Court assume jurisdiction over this action and make such further orders herein as may be required to properly determine its controversy.

Dated: New York, New York
October 8, 2009

Respectfully submitted,

RUTHERFORD & CHRISTIE, LLP

By: 


David S. Rutherford (DR 8564)
Attorneys for Defendant
AMERICAN AIRLINES, INC.,
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(212) 599-5799
Our File No.: 3748.350

TO: McCallion & Associates, LLP
Attn: Kenneth F. McCallion, Esq.
100 Park Avenue, 16th Floor
New York, New York 10017
(646) 366-0880

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of NOTICE OF REMOVAL, NOTICE TO ADVERSE PARTY OF FILING OF NOTICE OF REMOVAL and NOTICE OF REMOVAL TO CLERK OF THE SUPREME COURT, NEW YORK COUNTY were served via regular mail to McCallion & Associates, LLP, Attn: Kenneth F. McCallion, Esq., Attorneys for Plaintiff, 100 Park Avenue, 16th Floor, New York, New York 10017, on the 8th day of October, 2009.

RUTHERFORD & CHRISTIE, LLP

By: 
David S. Rutherford (DR 8564)